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CLAUDELL ROBERTS and S.R.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CLAUDELL ROBERTS, an individual;)	
S.R., a minor, by and through his Guardian)	<u>COMPLAINT FOR DAMAGES</u>
Ad Litem CLAUDELL ROBERTS,)	(42 U.S.C. §1983)
)	
Plaintiffs,)	<u>JURY TRIAL DEMANDED</u>
)	
v.)	
)	
COUNTY OF SACRAMENTO, a)	
municipal corporation; and DOES 1-50,)	
inclusive.)	
)	
Defendants.)	

INTRODUCTION

1. This lawsuit arises from the actions of a yet-to-be identified Sacramento County Sheriff's Deputy who, while Plaintiff Claudell Roberts, was complying with the Deputy's commands, and well after he had been apprehended, unlawfully directed a police canine to attack Plaintiff. As a result of the yet-to-be identified Sacramento County Sheriff's Deputy's egregious

1 acts, the police dog viciously mauled Mr. Roberts in front of his minor son, Plaintiff S.R., for an
2 extended period of time, after Mr. Roberts peacefully submitted to the Deputies, causing Mr.
3 Roberts to suffer serious injuries and scarring to his back, shoulder, and side, as well as causing
4 his son to suffer serious emotional distress, pain, suffering, and humiliation.

5 **JURISDICTION**

6 2. This action arises under Title 42 of the United States Code, Section
7 1983. Jurisdiction is conferred upon this Court by Title 28 of the United States Code, Sections
8 1331 and 1343. The unlawful acts and practices alleged herein occurred in the City of Antelope,
9 California, and County of Sacramento, California, which is within this judicial district.

10 **PARTIES**

11 3. Plaintiff CLAUDELL ROBERTS (hereinafter “Plaintiff” or “Plaintiff Roberts”),
12 is a competent adult of majority age.

13 4. Plaintiff S.R. (hereinafter “Plaintiff S.R.” or “S.R.”), is a minor and brings this suit
14 by and through his Guardian Ad Litem, CLAUDELL ROBERTS. S.R. is the biological child of
15 Plaintiff Roberts.

16 5. Defendant COUNTY OF SACRAMENTO (hereinafter “Defendant County” or
17 “County”) is a municipal corporation, duly authorized and existing as such in and under the laws
18 of the State of California; and at all times herein mentioned, Defendant County has possessed the
19 power and authority to adopt policies and prescribe rules, regulations and practices affecting the
20 operation of the Sacramento County Sheriff’s Department and its tactics, methods, practices,
21 customs, and usage. At all relevant times, Defendant County was the employer of Defendants
22 and DOES 1-50, individually and as peace officers.

23 6. Plaintiffs are ignorant of the true names and capacities of those Defendants named
24 herein as DOES 1 through 50, inclusive. Plaintiffs will amend this Complaint to allege said
25 Defendants true names and capacities when that information becomes known to Plaintiffs.

1 Plaintiffs are informed and believe, and thereon allege that DOES 1 through 50, inclusive, are
2 legally responsible and liable for the incident, injuries, and damages hereinafter set forth, and that
3 each of said Defendants proximately caused the injuries and damages by reason of negligent,
4 careless, deliberately indifferent, intentional, or willful misconduct, including the negligent,
5 careless, deliberately indifferent, intentional, willful misconduct in creating and otherwise
6 causing the incidents, conditions, and circumstances hereinafter set forth, or by reason of direct
7 or imputed negligence or vicarious fault or breach of duty arising out of the matters herein alleged.
8 Plaintiffs will seek to amend this Complaint to set forth said true names and identities of DOES
9 1 through 50, inclusive, when they have been ascertained.

10 7. In doing the acts alleged herein, Defendants, and each of them, acted within the
11 course and scope of their employment for the County of Sacramento.

12 8. Due to the acts and/or omissions alleged herein, Defendants, and each of them,
13 acted under color of authority and/or under color of law.

14 9. Due to the acts and/or omissions alleged herein, Defendants, and each of them,
15 acted as the agent, servant, and employee and/or in concert with each of said other Defendants
16 herein.

17 10. Plaintiffs filed a timely government tort claim, and the County of Sacramento
18 rejected the claim by operation of law.

19 **FACTUAL ALLEGATIONS**

20 11. On December 31, 2021, at around 1:30 a.m., Plaintiff Roberts was driving in his
21 car, while unknowingly being followed by yet-to-be identified Sacramento County Sheriff's
22 Deputies. As Plaintiff Roberts looked for a parking spot, he noticed a black car with tinted
23 windows driving slowly behind him.

24 12. Concerned for his safety because it was so late at night, Plaintiff Roberts began to
25 drive away to avoid the suspicious vehicle. Upon realizing that his pursuer was a police officer,

1 Plaintiff Roberts pulled back into his driveway at home and stopped his vehicle. Upon stopping,
2 Plaintiff Roberts was ordered out of his vehicle by a yet-to-be identified Sacramento County
3 Sheriff's Deputy, who was accompanied by a canine officer.

4 13. Plaintiff Roberts immediately complied with the command and exited his vehicle
5 with his hands above his head. Then, inexplicably, the yet-to-be identified Deputy released his
6 canine officer, which attacked Plaintiff Roberts, latching on to his arm and hand. Plaintiff Roberts
7 had no weapons, and presented no immediate or imminent threat to the Deputy or the canine
8 officer. The Deputy then slammed Plaintiff Roberts face down onto the pavement, all while the
9 canine officer viciously ripped at Plaintiff Roberts' flesh.

10 14. Once on the ground, the yet-to-be identified Deputy ordered Plaintiff Roberts to
11 give him his hands, and indicated that he would not call off the canine officer until Plaintiff
12 Roberts put both hands out. This of course was an impossible task, as the canine officer continued
13 to attack one of Plaintiff Roberts' arm.

14 16. Plaintiff Roberts continued to plead with the Deputies to call off the canine officer.
15 However, the yet-to-be identified Sheriff's Deputies continued to hold Plaintiff Roberts down for
16 nearly a minute, despite his peaceful submission as the canine officer continued to viciously tear
17 at the flesh on his back, shoulder, and side.

18 17. Plaintiff Roberts' violent attack occurred in front of his home and was witnessed
19 in its entirety by his minor son, Plaintiff S.R., causing S.R. to suffer serious emotional distress,
20 pain, suffering, and humiliation.

21 18. Plaintiff Roberts was transported by Sacramento County Sheriff's Deputies to the
22 Mercy San Juan Hospital, where he was admitted to the emergency room and was treated for
23 numerous bite wounds across his body.

24 19. The involved Sacramento County Sheriff's Deputies failed to make any reasonable
25 efforts to quickly restrain Plaintiff Roberts without using excessive force. Instead, the Sheriff's

Deputies recklessly released the canine officer and directed it to attack Plaintiff Roberts within mere seconds of approaching him, failing to provide Plaintiff Roberts the opportunity to comply with their commands. Additionally, the Deputy failed to call off the canine officer despite Plaintiff Roberts' peaceful submission.

DAMAGES

22. As a consequence of Defendants' violations of Plaintiffs' federal civil rights under 42 U.S.C. §1983 and the Fourth Amendment, Plaintiffs were physically, mentally, emotionally, and financially injured and damaged as a proximate result of Defendants' wrongful conduct.

23. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees and/or costs pursuant to statute(s) in the event that they are the prevailing party in this action under 42 U.S.C. §§ 1983 and 1988. Plaintiffs are also entitled to punitive damages under 42 U.S.C. §§ 1983 and 1988.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Fourth Amendment – Excessive Force under 42 U.S.C. § 1983)
(PLAINTIFF CLAUDELL ROBERTS against Defendants DOES 1-25)

24. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph of this Complaint.

25. When yet-to-be identified Sheriff's Deputies set the canine officer on Plaintiff Roberts without giving him an opportunity to peacefully submit to their commands, and continued to allow the canine officer to maul Plaintiff Roberts after he was subdued and while his hands were being restrained, the Deputies used unreasonable force, depriving Plaintiff Roberts of his right to be secure in his person against unreasonable searches and seizures as guaranteed to

1 Plaintiff Roberts under the Fourth Amendment of the United States Constitution. The yet-to-be
2 identified Sheriff's Deputies did not have a lawful basis to use force against Plaintiff Roberts after
3 he had already peacefully submitted, which violated their training and Plaintiff Roberts'
4 constitutional rights under the Fourth Amendment.

5 26. As a result of their misconduct, the yet-to-be identified Sheriff's Deputies are
6 liable for Plaintiff Roberts' injuries, either because they were integral participants in the excessive
7 force or because they failed to intervene to prevent these violations.

8 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

9
10 **SECOND CAUSE OF ACTION**
(Supervisory and Municipal Liability for Unconstitutional Custom or Policy (Monell)—42
U.S.C. § 1983)
11 *(PLAINTIFF CLAUDELL ROBERTS against Defendant COUNTY OF SACRAMENTO and*
12 *DOES 26-50)*

13 27. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph
14 of this Complaint.

15 28. Plaintiffs are informed and believe and thereon allege that high ranking
16 COUNTY OF SACRAMENTO officials, including Defendants, and DOES 26-50, and/or each
17 of them, knew and/or reasonably should have known about acts of misconduct by Defendants,
18 and DOES 1-25, and/or each of them. Defendant Deputy Does unlawfully set a canine officer on
19 Plaintiff Roberts when he was obeying the Deputies' commands and allowed the canine officer
20 to maul Plaintiff Roberts in front of his minor son, S.R., long after Plaintiff Roberts peacefully
21 submitted and was restrained. Given that this is just the latest use of excessive force incident in
22 a string of recent and egregious excessive force incidents by Sacramento County Sheriff's
23 Deputies. For example,

24 a) In January 2020, the County agreed to pay \$1.7 million dollars to a
25

family because a deputy shot a man in the back while running away.¹

b) In January 2018, Sacramento County deputies falsely arrested and tore the shoulder muscle of an innocent father walking groceries back to his family requiring shoulder surgery to repair.²

c) In September 2017, a jury awarded \$6.5 million dollars to the family of a schizophrenic man who was shot and killed in his home in North Highlands, CA by Sacramento County Sheriff's Deputy McEntire.³

d) In October 2016, the County settled a case of excessive for \$200,000 after video camera footage caught Deputy Pfeifer beating a man with his flashlight causing a broken nose, broken ribs, a concussion, and a large gash above his left eye. "The settlement mark[ed] the third time since 2010 the county treasury has been tapped as a result of lawsuits alleging Pfeifer used his flashlight to beat suspects, and it is the second such case where the deputy was captured on videotape."⁴

e) On July 19, 2017, a Sacramento County Sheriff's Deputy shot and killed Nolan Cornett within seconds of arriving after Mr. Cornett's mother had called for Mr. Cornett to be detained for a mental health evaluation.⁵

29. Despite having such notice, Plaintiffs are informed and believe and thereon allege that Defendants, and DOES 26-50, and/or each of them, approved, ratified, condoned, encouraged and/or tacitly authorized the continuing pattern and practice of misconduct and/or civil rights violations by said officers. Defendant Doe Deputies set a canine officer on a man who was cooperating with the deputies' orders and allowed the canine officer to continuously maul him

¹ <https://www.abc10.com/article/news/local/rancho-cordova/sacramento-county-settles-wrongful-death-suit-for-17-million/103-46a2c6ea-1534-479e-ba89-38e48e0bea5e>

² *Powell v. County of Sacramento*, Case No.: 2:18-CV-02123-JAM-DB

³ <https://www.sacbee.com/news/local/article175822361.html>

⁴ <https://www.sacbee.com/news/investigations/the-public-eye/article107619287.html>

⁵ *Arispe v. Sacramento County*, Case No: 2:18-cv-02017-JAM-AC

1 after he was restrained. Officials have not disciplined and/or retrained these officers, despite clear
2 departmental and constitutional violations.

3 30. Plaintiffs are further informed and believe and thereon allege that as a result of the
4 deliberate indifference, reckless and/or conscious disregard of the misconduct by Defendants, and
5 DOES 26-50, and/or each of them, these officers were encouraged to continue their course of
6 misconduct, resulting in the violation of Plaintiffs' rights as alleged herein.

7 31. As against Defendant COUNTY OF SACRAMENTO, Defendants and/or DOES
8 1-50 in his/their capacity as sheriff's deputies for the COUNTY OF SACRAMENTO, Plaintiffs
9 further allege that the acts and/or omissions alleged in the Complaint herein are indicative and
10 representative of a repeated course of conduct by members of the COUNTY OF SACRAMENTO
11 SHERIFF'S DEPARTMENT, which is tantamount to a custom, policy or repeated practice of
12 condoning and tacitly encouraging the abuse of police authority, and disregard for the
13 constitutional rights of citizens. This is reinforced by the fact that the deputies in the excessive
14 force incidents aforementioned in paragraph 28 (a-e), as well as the one underlying this complaint,
15 have not been disciplined and/or re-trained.

16 32. The unconstitutional actions and/or omissions of Defendants and DOES 1-25, as
17 well as other officers employed by or acting on behalf of Defendant COUNTY OF
18 SACRAMENTO, on information and belief, were pursuant to the following customs, policies,
19 practices, and/or procedures of the SACRAMENTO COUNTY SHERIFF'S DEPARTMENT
20 stated in the alternative, which were directed, encouraged, allowed, and/or ratified by policy
21 making officers for COUNTY OF SACRAMENTO:

22 a. To cover-up violations of constitutional rights by any or all of the
23 following:

24 i. by failing to properly investigate and/or evaluate complaints or
25 incidents of excessive and unreasonable force;

1 ii. by ignoring and/or failing to properly and adequately investigate
2 and discipline unconstitutional or unlawful police activity; and

3 iii. by allowing, tolerating, and/or encouraging police officers to: fail
4 to file complete and accurate police reports; file false police reports; make false
5 statements; intimidate, bias and/or “coach” witnesses to give false information
6 and/or to attempt to bolster officers’ stories; and/or obstruct or interfere with
7 investigations of unconstitutional or unlawful police conduct, by withholding
8 and/or concealing material information;

9 b. To allow, tolerate, and/or encourage a “code of silence” among law
10 enforcement officers and police department personnel, whereby an officer or member of
11 the department does not provide adverse information against a fellow officer or member
12 of the department; and

13 c. To use or tolerate inadequate, deficient, and improper procedures for
14 handling, investigating, and reviewing complaints of officer misconduct made under
15 California Government Code § 910 et seq.;

16 d. To fail to have and enforce necessary, appropriate, and lawful policies,
17 procedures, and training programs to prevent or correct the unconstitutional conduct,
18 customs, and procedures described in this Complaint with deliberate indifference to the
19 rights and safety of Plaintiffs and the public, and in the face of an obvious need for such
20 policies, procedures, and training programs to prevent recurring and foreseeable violations
21 of rights of the type described herein.

22 33. Defendants COUNTY OF SACRAMENTO and DOES 26-50 failed to properly
23 train, instruct, monitor, supervise, evaluate, investigate, and discipline Defendant Officers, and
24 DOES 1-25, and other COUNTY OF SACRAMENTO Police personnel, with deliberate
25 indifference to Plaintiffs’ constitutional rights, which were thereby violated as described above.

1 34. The unconstitutional actions and/or omissions of Defendants and DOES 1-25, and
2 other COUNTY OF SACRAMENTO personnel, as described above, were approved, tolerated
3 and/or ratified by policy-making officers for the Sacramento County Sheriff's Department.
4 Plaintiffs are informed and believe, and thereupon allege the details of this incident have been
5 revealed to the authorized policy makers within COUNTY OF SACRAMENTO, and that such
6 policy makers have direct knowledge of the fact that the use of force on Plaintiff Claudell Roberts
7 was not justified, but rather represented an unconstitutional use of unreasonable force.
8 Notwithstanding this knowledge, the authorized policy makers within COUNTY OF
9 SACRAMENTO have approved Defendant Deputies' grossly excessive and biased use of force
10 on Plaintiff Roberts. By so doing, the authorized policy makers within the COUNTY OF
11 SACRAMENTO and the Sacramento County Sheriff's Department have shown affirmative
12 agreement with the actions of Defendants Deputies DOES 1-25, and have ratified the
13 unconstitutional acts of Defendants Deputies DOES 1-25.

14 35. The aforementioned customs, policies, practices, and procedures, the failures to
15 properly and adequately train, instruct, monitor, supervise, evaluate, investigate, and discipline,
16 as well as the unconstitutional orders, approvals, ratification and toleration of wrongful conduct
17 of Defendant COUNTY OF SACRAMENTO and DOES 26-50, were a moving force and/or a
18 proximate cause of the deprivations of Plaintiffs' clearly-established and well-settled
19 constitutional rights in violation of 42 U.S.C. § 1983, as more fully set forth in Causes of Action
20 1 and 2, above.

21 36. Defendants subjected Plaintiffs to their wrongful conduct, depriving Plaintiffs of
22 rights described herein, knowingly, maliciously, and with conscious and reckless disregard for
23 whether the rights and safety of Plaintiffs and others would be violated by their acts and/or
24 omissions.

25 37. As a direct and proximate result of the unconstitutional actions, omissions,

1 customs, policies, practices, and procedures of Defendants COUNTY OF SACRAMENTO and
2 DOES 26-50 as described above, Plaintiffs sustained serious and permanent injuries and are
3 entitled to damages, penalties, costs and attorneys' fees as set forth above.

4 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

5
6 **THIRD CAUSE OF ACTION**

7 **(Violation of the Bane Act (Cal. Civ. Code § 52.1))**

8 *(PLAINTIFF CLAUDELL ROBERTS against Defendants COUNTY OF SACRAMENTO and*
9 *DOES 1-50)*

10 38. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph
11 of this Complaint.

12 40. By their conduct described herein, Defendants and DOES 1-50, acting in
13 concert/conspiracy, as described above, violated Plaintiff Roberts' rights under California Civil
14 Code §52.1, and the following clearly established rights under the United States Constitution and
15 the California Constitution:

16 a. Plaintiff Roberts' right to be free from unreasonable searches and seizures
17 as secured by the Fourth Amendment to the United States Constitution and by Article I, §
18 13 of the California Constitution;

19 b. Plaintiff Roberts' right to be free from excessive and unreasonable force in
20 the course of arrest or detention, as secured by the Fourth Amendment to the United States
21 Constitution and by Article 1, § 13 of the California Constitution.

22 41. Excessive force, which violates the Fourth Amendment, also violates the Bane
23 Act. Defendants' use of unlawful force against Plaintiff Roberts, in and of itself, satisfies the "by
24 threat, intimidation, or coercion" requirement of the Bane Act.

25 42. Further, any volitional violation of rights done with reckless disregard for those
rights also satisfies the "by threat, intimidation, or coercion" requirement of the Bane Act. All of
Defendants' violations of duties and rights were volitional, intentional acts, done with reckless

disregard for Plaintiff Roberts' rights; none was accidental or merely negligent.

43. Alternatively, Defendants violated Plaintiff Roberts' rights by the following conduct constituting threat, intimidation, or coercion that was above and beyond any lawful seizure or use of force:

- a. Threatening Plaintiff Roberts in the absence of any threat presented by Plaintiff Roberts or any justification whatsoever;
- b. Using deliberately reckless and provocative tactics to apprehend Plaintiff Roberts in violation of generally accepted law enforcement training and standards, and in violation of Plaintiff Roberts' rights;
- c. Defendants striking and/or physically accosting Plaintiff Roberts in the absence of any threat or need for such force;
- d. Threatening violence against Plaintiff Roberts, with the apparent ability to carry out such threats, in violation of Civ. Code § 52.1(j);
- e. Using excessive, unreasonable, and unjustified force against Plaintiff Roberts while he attempted to comply with the officers;
- f. Failing to intervene to stop, prevent, or report the unlawful seizure and use of excessive and unreasonable force by other officers;

44. Defendant COUNTY OF SACRAMENTO is vicariously liable, pursuant to California Government Code § 815.2, for the violation of rights by its employees and agents.

45. As a direct and proximate result of Defendants' violation of California Civil Code § 52.1 and of Plaintiff's rights under the United States and California Constitutions, Plaintiff Roberts sustained injuries and damages, and against each and every Defendant is entitled to relief as set forth above, including punitive damages against Defendants and DOES 1-25, and including all damages allowed by California Civil Code §§ 52, 52.1, and California law, not limited to costs, attorney's fees, treble damages, and civil penalties.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

FOURTH CAUSE OF ACTION

(Assault and Battery – Violation of CALIFORNIA PENAL CODE § 242)

(PLAINTIFF CLAUDELL ROBERTS against Defendants COUNTY OF SACRAMENTO and DOES 1-25)

46. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph of this Complaint.

47. Defendants, while working as employees for the Defendant COUNTY OF SACRAMENTO Sheriff's Department and acting within the course and scope of their duties, intentionally struck and/or injured Plaintiff Roberts when they sent a canine officer to maul Plaintiff Roberts without a lawful basis and allowed the canine officer to maul Plaintiff Roberts after he was restrained.

48. As a result of the actions of the Defendants, Plaintiff Roberts suffered severe physical and emotional injuries. Defendants and DOES 1-25 did not have legal justification for using force against Plaintiff Roberts after he had submitted, and Defendants' use of force while carrying out their duties was an unreasonable use of force and thus constituted assault and battery.

49. Defendant COUNTY OF SACRAMENTO is vicariously liable, pursuant to California Government Code § 815.2, for the violation of rights by its employees and agents.

50. As a direct and proximate result of Defendants' assault and battery of Plaintiff Roberts, Plaintiff Roberts sustained injuries and damages, and is entitled to relief as set forth above.

WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.

FIFTH CAUSE OF ACTION

(Negligence)

(PLAINTIFF CLAUDELL ROBERTS against Defendants COUNTY OF SACRAMENTO and DOES 1-25)

51. Plaintiffs hereby re-allege and incorporate by reference each and every paragraph

1 of this Complaint, except any reference to intentional conduct.

2 52. At all times, Defendants and DOES 1-25 owed Plaintiff Roberts the duty to act
3 with due care in the execution and enforcement of any right, law, or legal obligation.

4 53. At all times, Defendants and DOES 1-25 owed Plaintiff Roberts the duty to act
5 with reasonable care.

6 54. These general duties of reasonable care and due care owed to Plaintiff Roberts by
7 Defendants include, but are not limited to the following specific obligations:

8 a. to refrain from using excessive and/or unreasonable force against Plaintiff
9 Roberts;

10 b. to refrain from unreasonably creating the situation where force, including, but
11 not limited to excessive force, is used;

12 c. to refrain from abusing their authority granted them by law;

13 d. to refrain from violating Plaintiff Roberts' rights guaranteed by the United
14 States and California Constitutions, as set forth above, and as otherwise
15 protected by law.

16 55. Defendants, through their acts and omissions, breached each and every one of the
17 aforementioned duties owed to Plaintiff Roberts.

18 56. Defendant COUNTY OF SACRAMENTO is vicariously liable for the wrongful
19 acts and omissions of its employees and agents pursuant to Cal. Gov. Code § 815.2.

20 57. As a direct and proximate result of Defendants' negligence, Plaintiff Roberts
21 sustained injuries and damages, and against each and every Defendant is entitled to relief as set
22 forth above.

23 WHEREFORE, Plaintiffs pray for relief as hereinafter set forth.
24
25

**SIXTH CAUSE OF ACTION
(Negligent Infliction of Emotional Distress)**

(*PLAINTIFF S.R. against Defendants COUNTY OF SACRAMENTO and DOES 1-25, inclusive*)

58. Plaintiffs re-allege and incorporate by reference each and every paragraph of this Complaint.

59. Defendants' above-described conduct and physical injuries to Plaintiff Claudell Roberts was witnessed in its entirety by his son, Plaintiff S.R. Defendants allowed a canine officer to viciously maul Plaintiff Claudell Roberts for an extended period of time without legal justification, the sight of which caused Plaintiff' Roberts' minor son, S.R., to suffer serious emotional distress.

60. Defendant COUNTY OF SACRAMENTO is vicariously liable, pursuant to California Government Code § 815.2, for the violation of rights by its employees and agents.

61. In engaging in the above-described conduct, Defendants' negligence was a substantial factor in causing Plaintiff S.R.'s serious emotional distress.

WHEREFORE, Plaintiffs pray for judgment as set forth below.

JURY DEMAND

62. Plaintiffs hereby demands a jury trial in this action.

PRAYER

Wherefore, Plaintiffs pray for relief, as follows:

1. For general damages in a sum according to proof;
2. For special damages, including, but not limited to income and support, medical expenses, and other special damages in a sum to be determined according by proof;
3. For punitive damages against all Defendants in a sum according to proof;
4. All other damages, penalties, costs, interest, and attorney fees as allowed by 42 U.S.C. §§ 1983 and 1988, Cal. Civil Code §§ 52 et seq., 52.1, and as otherwise may be allowed by

1 California and/or federal law against Defendant County and its employees;

2 5. For cost of suit herein incurred; and

3 6. For such other and further relief as the Court deems just and proper.

4
5 Date: November 1, 2022

Respectfully submitted,

6 **POINTER & BUELNA, LLP**
7 **LAWYERS FOR THE PEOPLE**

8 /s/ Patrick Buelna

9 PATRICK M. BUELNA
10 ADANTE D. POINTER
11 ANGEL ALEXANDER
12 Counsel for Plaintiffs
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